

REMARKS

This amendment is supplemental to Applicants' amendment filed July 8, 2004, which was entered by the Examiner according to the Advisory Action issued July 28, 2004. Further amendments are requested under 37 C.F.R. §1.116, which are believed to place the application in condition for allowance. Because the amendments do not touch the merits of the application but merely switch dependencies of Claims 2-5 to the allowed Claims 6 and 9, and cancel the remaining rejected claims, entry of the foregoing amendments pursuant to 37 C.F.R. §1.116(a) is proper.

Claims 1-11 are pending in this case. In the Advisory Action of July 28, 2004, the entry of Applicants' July 8, 2004 amendment resulted in the allowance of method Claims 6 and 9, reciting methods of using compounds of formula (I). This left Claims 1-5, 7, 8, 10, and 11 rejected.

Claims 2, 3, and 4 recite particular peptides within the genus of formula (I), and Claim 5 recites a pharmaceutical composition comprising a formula (I) peptide or salt thereof and a pharmaceutically acceptable carrier. The supplemental amendments requested herein would amend Claims 2, 3, 4, and 5 to depend from allowed Claims 6 and 9 rather than Claim 1 (which is still rejected). Applicants also request cancellation of Claims 1, 7, 8, 10, and 11, without prejudice to their reintroduction in a continuing application claiming the benefit of the present application under 35 U.S.C. §120/121. The amendments requested herein do not evince an intention to abandon any subject matter originally disclosed or claimed in this application or its predecessor applications.

It is submitted that entry of the amendments herein will eliminate all remaining issues for appeal in this case and will accordingly permit allowance of this application. Therefore, entry of the foregoing amendments and allowance of Claims 2-6 and 9 are respectfully solicited.

This paper is being filed with a request for a 2-month extension of time and the appropriate fee under 37 C.F.R. §1.17(a)(2). The Examiner is urged to contact the undersigned if any additional issues remain after consideration of the amendments and remarks above.

Respectfully submitted,



Leon R. Yankwich, Registration No. 30,237
Michael R. Wesolowski, Registration No. 50,944
Attorneys for Applicants
YANKWICH & ASSOCIATES, P.C.
201 Broadway
Cambridge, Massachusetts 02139
telephone: 617-374-3700
telecopier: 617-374-0055

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10, postage prepaid, Express Mailing Label No. EV 509623718 US, in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

October 28, 2004

date



Nasim G. Memon